



---

### GOVERNOR'S WORKING GROUP ON JUSTICE POLICY REFORM

**Meeting.** The Governor's Working Group on Justice Policy Reform met for the second time on September 30, 2015, in the State Capitol. The topics discussed were juvenile record confidentiality and state prison/county jail phone rates.

**Purpose and Members.** The purpose of the working group is to research and make policy recommendations related to reforms in Iowa criminal justice practices. Members include:

- State Public Defender
- Commissioner of Public Safety
- NAACP Representative
- State Court Administrator
- County Attorney Representative
- Iowa Attorney General's Office
- Department of Corrections
- Iowa Parole Board

The working group is to present a written report to the Governor, stakeholders, and the public by November 6, 2015, so that the General Assembly can consider the recommendations during the 2016 Legislative Session.

**Follow up from Previous Meeting:** Department of Corrections (DOC) Director Jerry Bartruff responded to a question as to whether the reduction of funding for drug courts was raised during the legislative session. Director Bartruff stated it was not specifically, but that the DOC could not forecast where shortfalls would be until General Fund appropriations were finalized for FY 2016. The inability to request an increased budget for salary and health care costs, as well as the General Assembly not appropriating additional funds for salary and health care cost increases was discussed as being a challenge in allocating appropriated funds.

**Speakers for Juvenile Records.** Professor Jerry Foxhoven, Drake University, discussed the need for making juvenile records confidential as they previously were many years ago. Juvenile court is a good time to deal with an adolescent issues. However, a juvenile record can follow an individual and impact future education opportunities and employment. There is a direct connection between employment and criminal activity, and Foxhoven stated that it does not make sense to adults to be unemployed because of something they did as a juvenile. Mr. Foxhoven advocated for juvenile records to be available to law enforcement, the courts, and the DOC, but not available to the public. If a juvenile commits a serious crime, it will be waived to adult court and be public record. If juvenile records are not made confidential, then Foxhoven recommends they not be available on Iowa Courts Online, and hearings be scheduled automatically to seal juvenile records. It was mentioned that there are a disproportionate number of minority youth currently in the juvenile justice system. National reviews of state laws on juvenile records have been done and Mr. Foxhoven indicated Iowa does not fare very well in those reviews.

Mike Sorci, Director of the Youth Law Center, stated that disproportionality of minority youth has been a big issue in juvenile law since the 1970s. Studies over the years have made that conclusion repeatedly, and there is a need to isolate the factors that cause this and deal with them. Through brain studies, we are aware of a biological difference between adolescents and adults. Teenagers are more impulsive, emotionally volatile, prone to peer pressure, apt to exhibit risky behavior, and do not consider the consequences of their actions. Of the youth that participate in delinquent conduct, 90.0% grow out of it, are rehabilitated, and never have further involvement with adult court. States such as Rhode Island and New York have no public access to juvenile records. Sorci stated the public perception on this issue is

skewed. The perception is that crime and delinquency rates are growing, but the opposite is actually happening.

**Speakers for Prison/Jail Phone Rates.** Peter Wagner, Executive Director of Prison Policy Initiatives, stated that inmate-to-family contact is important but that most correctional facilities award phone contracts based upon who will charge the most and share revenue. Following that tactic punishes the poor, and the majority of inmates come from families with fewer resources. Nationwide phone rates have been rising to the point where the federal government and some states are reviewing the issue. Wagner stated that Iowa prices are not that bad, but could be better. A contractor with the lowest cost overall was chosen to provide the phone service in New York. Mr. Wagner recommended that the State Treasurer check with phone service vendors to make sure they are turning over unclaimed funds to the state. Jails in Iowa have differing rates by county. New York and New Mexico have good legislation applying to counties, and New Jersey has the option of allowing the counties of opting onto the state contract.

Jerry Bartruff, Director of the DOC, stressed the significance of the inmate relationship with family. Lowered recidivism is seen with inmates that have close contact and stay engaged with their families as families provide social control and support. Telephoning is the most utilized way to keep this contact. Bartruff wants to continue to listen to family members on improving outreach. The phone rate was recently reduced from \$3.15 to \$2.90 for a 20-minute phone call. There is only 99 cents profit per phone call to the DOC, and that profit goes directly to educational programs such as GED classes, literacy programs, and life skills teaching for inmates. Regarding the question as to whether the DOC had looked at other providers than the Iowa Communications Network (ICN), Bartruff replied that the DOC is required by the Iowa Code to use the ICN.

Dillon Kraft, Polk County Sheriff's Office, stated that the Polk County Jail has 1,500 beds and is the largest correctional facility in the state. They currently do not staff the whole facility, and the average inmate population was 931 during 2014. The phone volume is about a million calls a year out of the facility. The calling cost to the inmate is \$2.43 for a 15 minute call. Collect and long distance calls cost more. Security issues prevent utilizing Skype. Polk County does have call monitoring and call tracking software. Polk County has more negotiating power with the providing vendor because of its size. The phone revenue is approximately \$800,000 per year and must be used for the benefit of the inmates and their support. The ICN does not have the infrastructure built at the county level to allow usage by all courthouses or jail facilities.

Angela McBride, State Ombudsman's Office, has reviewed the issue of telephone rates. The Federal Communications Commission (FCC) has ruled that there be a 21 cent per minute limit on calls, and a 25 cent per minute limit on collect calls and Iowa complies with these limits. The FCC has been critical of anything above a cost-based system. There are questions as to whether contracts within the state (i.e. allowing a county jail to piggy back onto the DOC phone contract) can be shared. The Ombudsman's Office was pleased that the DOC lowered their rate to \$2.90 when the issue was raised, but there are states that have lower rates, including Michigan, New Mexico, and New York. Any policy changes will also include funding, how the educational programs offered to inmates will be paid for if the phone system goes to a cost rather than a profit basis. Additionally, the FCC might not accept a flat rate plan in the future and require per minute pricing. McBride indicated a per minute rate is more just and fair as not all phone calls last the full 15 or 20 minutes that are paid for.

**Next Meeting.** The next meeting will be October 15. The agenda at that time will consist of subgroup updates and open discussion with the public.

**STAFF CONTACT:** Alice Fulk Wisner (515-281-6764) [alice.wisner@legis.iowa.gov](mailto:alice.wisner@legis.iowa.gov)  
Beth Lenstra (515-281-6301) [beth.lenstra@legis.iowa.gov](mailto:beth.lenstra@legis.iowa.gov)